IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Crl.Rev.Pet.No. 477 of 2007(M)

AGAINST THE ORDER NO. A3.86/2005 DT.20.12.05 OF SUB DIVISIONAL MAGISTRATE, MUVATTUPUZHA

.....

REVN. PETITIONER:

M/S. DIAMOND AGGREGATES A PARTNERSHIP
FIRM REPRESENTED BY ITS MANAGING PARTNER,
A.P.RAJAPPAN, S/O.A.P.PAULOSE, AGED 64,MANEED P.O.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:

---

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

2. MONY V.ATHUKUZHY,
ATHUKUZHY HOUSE, MANEED P.O., ERNAKULAM DIST.

3. JOY,
NEDIYANKUZHIYIL HOUSE, MANEED P.O.,ERNAKULAM DIST.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN
SRI.V.GIRI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

* * * * * * * * * * * * * * * * * * *

R.P. F.C. No. 477 of 2007

* * * * * * * * * * * * * * * * * * *

Dated: 07-12-2007

ORDER

Revision petitioner was the counter petitioner in M.C. No. 73 of 2006 on the file of the Family Court, Thrissur. The said M.C. was filed by the first respondent herein alleging to be the child of the revision petitioner born to him on 13-10-2004 as a product of rape. Eventhough the revision petitioner filed objections to the M.C. disputing inter-alia the paternity of the child, he subsequently remained ex -parte consequent on the Family Court ordering D.N. A. test. Thereupon, the court below passed the impugned ex-parte order directing the revision petitioner to pay an amount of Rs. 400/- per month from the date of petition.

2. I heard both sides.

3. I am inclined to give the petitioner an opportunity to contest the M.C. only on condition that the petitioner deposits within one month before the Family Court, Thrissur a sum of Rs. 3000/- towards arrears of maintenance and continues to deposit towards future maintenance at the rate of Rs. 400/- (Rupees four

hundred only) per month from February 2008 onwards, he will be entitled to have a contested disposal of M.C. No. 73 of 2006. Upon the petitioner depositing a sum of Rs. 3,000/- within one month from today, M.C. No. 73 of 2006 will stand restored to file and shall be disposed of by the Family Court after giving the revision petitioner herein an opportunity to contest the matter.

Parties shall appear before the court below without any further notice on 2-1-2008.

V. RAMKUMAR,
(JUDGE)

ani.